

**TOWN OF DAVIE
REGULAR MEETING
OCTOBER 2, 2002**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:00 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present were: Mayor Venis, Vice-Mayor Clark, and Councilmembers Paul, Starkey, and Truex. Also present were Town Administrator Willi, Town Attorney Kiar and Assistant Town Clerk McDaniel recording the meeting.

Councilmember Paul spoke of the untimely death of longtime resident and advocate Joy Yoder and pointed out a seat in Council Chambers that was dedicated with a plaque in memory of Ms. Yoder. Councilmember Paul asked for a moment of silence in Ms. Yoder's honor.

3. OPEN PUBLIC MEETING

Mayor Venis advised the public of the rules for the Open Public Meeting.

Sandy Marino, Davie Lakes Estates, spoke of the increase in traffic and crime in her neighborhood. She asked that a blocked access be put in place at the corner of SW 52 Street and SW 82 Avenue to deter traffic from cutting through her neighborhood. Ms. Marino requested that an electronic gate be installed and stated that she was willing to help fund this project.

Councilmember Truex stated that he would be happy to meet with homeowners to find a solution for this problem. He indicated that Ms. Marino's suggestion would not be his first choice and he asked Mr. Willi to have staff address the concerns in this neighborhood.

Jerry Culver, 8330 SW 55 Court, stated that a police officer had discussed developing a Crime Watch group in this neighborhood two years ago. He indicated that this was a serious issue, especially the incidence of crime which had increased dramatically in the past two years. Mr. Culver urged Council to address this as soon as possible.

Todd Shurack, 1434 East Harmony Lakes Circle, spoke of a fence that was erected by his neighbor over two years ago and distributed photographs. He stated that the fence obstructed his view and was a safety hazard. Mr. Shurack stated that he had filed complaints and Code Compliance Official Daniel Stallone was involved and this issue had gone before the Special Master four times. He stated that this was a dangerous situation because drivers could not see him backing out of his property and he was not able to see oncoming traffic. Mr. Shurack felt the Town was not being supportive and asked for a 25 foot clear line of sight to prevent a disaster.

Mr. Willi advised that the owner of the fence was going to move the fence so that Mr. Shurack could have the 25 foot line of sight, which was standard. He stated that there was no enforcement action the Town could take beyond the 25 foot line of sight. Councilmember Starkey stated that site was unique and was concerned that moving the fence might not resolve the problem. She stated that there should have been a 10 foot setback.

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Mayor Venis stated that if the 25 feet was not enough, Town Engineer Larry Peters should meet with the property owner to try to further resolve this issue. Mr. Peters reiterated that there was nothing in the Code that allowed for further action to be taken. He stated that he would speak with the homeowners association and try to resolve this issue.

David Donzella, immediate past-president of the Kiwanis Club, thanked Council for their support of the golf tournament. He reported that over \$12,000 had been collected and the monies would be used to help the needy within the Town.

Richard Meyers, 1700 SW 83 Avenue, spoke of the traffic problems on the corner of Nova Drive and University Drive. He stated that this was an ongoing problem and he had addressed Council regarding this issue in the past. Mr. Meyers urged Council to redirect the traffic in this area to prevent further accidents.

Lloyd Phillips, 14220 SW 29 Court, spoke of residents who made complaints to the Town who had suffered consequences for doing so. He spoke of an elderly couple who had made complaints about horses passing through their property and as a result, they did not have water or electricity for 18 months. Mr. Phillips spoke of illegal activities of his neighbors and how his complaints had resulted in the Town "harassing" him with unfounded citations rather than pursuing the real criminals. He played a recording of a party at his neighbor's house that was offensive and stated that the police did not respond because they were at the party.

Mr. Willi indicated that this was an ongoing issue between Mr. Phillips and his neighbor.

Mr. Phillips indicated that he was going to report child abuse because the noise level from his neighbor exceeded 107 decibels. He reported that four of his neighbors had sold their houses because of this, but he could not because this neighbor was encroaching on his property. Mr. Phillips stated that the Town would be held as an accessory to child abuse because they were protecting his neighbor.

Councilmember Paul asked that this situation be investigated by Police Chief John George. Mayor Venis asked Mr. Phillips to meet with Mr. Willi to resolve this issue.

4. PRESENTATIONS

4.1. Raymond Priebe - Recognition by the Fire Department

Fire Chief Don DiPetrillo spoke of an incident in August when a woman was saved from her car, which had ended up in a canal. He introduced Raymond Priebe, the person who saved the woman. Mayor Venis presented Mr. Priebe with a certificate of recognition for extraordinary bravery and a noble act of heroism.

Councilmember Paul referred to the increase in millage rate from the Central Broward Water District. She stated that the Property Appraiser's Office had made a mistake ~~in their budget~~ and as a result, the Central Broward Water District had increased the millage rate in order to make up for the deficit. Councilmember Paul reiterated that this was no fault of the Central Broward Water District.

Mayor Venis announced that the Davie Merchants Industrial Association would be holding their "Candidates Night" on October 8th and was open to the public. He also announced that Lowe's Home Improvement Center was sponsoring the Davie Fire Rescue

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kickoff for Fire Prevention Week on October 6th and advised that free fire extinguishers would be given out to the first 20 attendees.

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5. MAYOR/COUNCILMEMBER'S COMMENTS

Councilmember Truex provided the following comments later in the meeting.

ZONING AMENDMENT. Councilmember Truex asked if staff could be directed to prepare an amendment that would add medical offices to residential office. He wondered if professional offices would be included.

EASE FOUNDATION. Councilmember Truex stated that the EASE Foundation was putting together 250 holiday baskets and needed a location for preparation. Mr. Willi stated that he was working on this and there should be no concern.

ANNEXATION. Councilmember Truex wanted to know what was happening with the Pine Island Ridge annexation. He asked for further information regarding the consequences to the Town's residents.

Councilmember Starkey stated that she had requested similar information regarding the financial impacts to the Town for services to Pine Island Ridge. She stated that staff had prepared a notebook with this information and asked that this information be distributed to all Councilmembers.

Mr. Willi stated that no direct action had been taken thus far, but information was being gathered. He indicated that members of the Pine Island Ridge Board of Governors were split on what they wanted to do. Councilmember Starkey felt that Pine Island Ridge residents needed to make their own decision.

Mayor Venis suggested that a letter be sent reminding the residents of what Council had suggested in the past. Councilmember Starkey felt that the residents of the Town should be asked if they want to annex Pine Island Ridge because there would be an impact on them.

6. TOWN ADMINISTRATOR'S COMMENTS

No comments were provided.

7. TOWN ATTORNEY'S COMMENTS

Mr. Kiar provided the below comment later in the meeting.

GOLF TOURNAMENT. Mr. Kiar advised that HOPE Outreach was having a golf tournament on October 18, 2002 and Terry D'Andrea extended invitations to Council.

Mayor Venis advised that items 8.2 and 8.3 would be taken out of order.

8.2 Assistant Town Clerk McDaniel read the proclamation.

Steve Cohen, board of director's representative for the Broward, Dade, Monroe, and Palm Beach Counties of the Florida Academy of Physician's Assistants, stated that Nova Southeastern University was one of only four accredited physician assistant's programs in the United States. He accepted the proclamation and thanked Council for their support.

8.3 Assistant Town Clerk McDaniel read the proclamation.

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A representative from Gloria Dei invited Council to the Lights on Afterschool open house on October 10th. Councilmember Starkey advised that this program supported "America Reads."

Mayor Venis announced that item 9.2 would be taken out of order.

9.2 Mayor Venis reported that the second and final reading was to be held at the October 16, 2002 meeting.

Assistant Town Clerk McDaniel read the ordinance by title. Mayor Venis swore in the witnesses.

Michael Burke, representing the Town, provided a history of the issue. He stated that the Council had denied the two rezonings in June 2000 and the applicant had appealed. Mr. Burke advised that the Circuit Court Judge found the applications aligned with the Town Code and reversed the decision and judged in favor of the property owner. The Town appealed the decision, but did not win the appeal. He explained that this matter was before Council again because of the June 7, 2000 proceedings and the decision of the appellate judge. Council was directed to deal with these applications in accordance with the opinion that counsel wrote and the law. Mr. Burke explained that under Code Section 12-307(B), Council could act on the petition by denying it, approving it, or approving it with conditions. He clarified that the appellate judge felt the previous denial decision was not supported by the law or the evidence.

Councilmember Paul referred to the three options Mr. Burke gave Council and asked if Council was to treat this issue as a new issue. Mr. Burke explained that the judge's findings had to be included in Council's decision. He reiterated that the judge found the original denial was not supported by the law, and the application did align with the Town's Code. Mr. Burke stated that the record from June 2000 could be used so the applicant did not have to make another presentation. Mr. Burke indicated that additional evidence brought before Council on this date could be considered.

Mr. Kiar read the rules of evidence.

Development Services Director Mark Kutney stated that he had no additional comments as he had made a very lengthy presentation regarding this issue when it was heard before Council in June 2000. He added that an additional traffic study was done by U.R.S., the Town's consultant, and a representative was available to present findings. Mayor Venis indicated that he wanted to hear the traffic study.

Councilmember Truex asked if Council was supposed to have reviewed the original transcript. Mr. Burke explained that Council was not required to do so, but the transcript was part of the evidence to be considered. Councilmember Starkey stated that Council did not have a copy of the transcript. Mr. Kutney stated that staff might have not understood that the transcript was to be part of the record; therefore, it was not included in the backup materials.

Bill Spencer, representing the applicant, explained that the law of the case was a significant factor. He advised that the findings of the Court were binding and all issues considered in June 2000 were resolved and not to be reconsidered. Mr. Spencer reiterated that the judge found that the applicant had met all the requirements to be approved for B-3 zoning and the denial was wrongful. He added that the traffic study was irrelevant for this reason and

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it was inappropriate for it to be considered at this hearing. Mr. Spencer clarified that Council was bound by the judge's ruling unless there was a substantial change. Mr. Kiar ~~indicated that there was a substantial change~~ stated "if it is demonstrated by some evidence that there has been some substantial change in the last 2 1/2 years, that would be acceptable to be considered, isn't that correct?" Mr. Spencer stated that consideration of the traffic study depended on the land use classification, which in this case was commercial. He reiterated that this was resolved at the June 2000 hearing.

Mr. Burke clarified that Council could not start over, but the law provided that new facts and issues did not have to be ignored. Councilmember Paul believed there were additional facts and substantial changes. She wanted to hear the traffic report and she had evidence of substantial changes. Mayor Venis also wanted to hear the traffic report and also had evidence of substantial changes.

Mr. Spencer referred to the rules of protocol and stated that Council was not allowed to testify in the quasi-judicial position. He reiterated that it was inappropriate to consider traffic and referred to Mr. Kutney's recommendation of approval to the Planning and Zoning Board, which included traffic considerations. Mr. Spencer objected "to any testimony at this point because it went outside the case and the record."

Raj Shanmugam, senior traffic consultant with U.R.S. Consultants, explained the traffic analysis and stated that there would be a negative impact on two parts of the roadway because of the increase in development and the proposed school site. He indicated that Broward County normally conducted the trips survey, but that there was not enough time to employ their services.

Mr. Spencer again voiced his objections to this report and asked Mr. Shanmugam when he was asked to do this analysis. Mr. Shanmugam stated that he was contacted by Mr. Kutney two weeks prior to this meeting. Mr. Spencer asked if Mr. Shanmugam had discussed his findings with Mr. Kutney prior to this meeting. Mr. Shanmugam indicated he had, but not in detail. Mr. Spencer asked if Mr. Shanmugam had discussed his findings with any member of Council. Mr. Shanmugam indicated that he did not. Mr. Spencer asked how long it would normally take to do such a study. Mr. Shanmugam indicated it would take three to four weeks. Mr. Spencer asked if Mr. Shanmugam did not follow the procedure of having the County perform the trips model because of time constraints. Mr. Shanmugam indicated that this was not a set procedure and the procedure he used was acceptable. Replying to Mr. Spencer's question, Mr. Shanmugam felt that the original traffic study was subjective and not a comprehensive traffic study. He also felt it did not "entirely" comply with accepted traffic planning standards. Mr. Spencer asked what was specifically out of compliance. Mr. Shanmugam stated that there was specific information that was not included in the original report. Mr. Spencer asked questions based on Mr. Kutney's original report regarding land use planning. Mr. Shanmugam stated that he was not a land use planner and therefore, he could not answer questions regarding this issue.

Mr. Spencer requested that Council deem Mr. Shanmugam's testimony as irrelevant and not material to their consideration. He referred to Zoning Code A1E 12-307, which "measured whether the traffic would be increased over the underlying land use classification." Mr. Spencer

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stated that Mr. Shanmugam had clearly stated this would not be the case. He again objected to Mr. Shanmugam's testimony.

Mayor Venis opened the public hearing portion of the meeting.

Mike Bender, 14800 SW 31 Court, referred to Supreme Court rulings regarding the Town's responsibility to protect the quality of life of its residents. He felt that this project would not support this ruling. Mr. Bender stated that the commercial zoning was not being argued, but the applicant's proposal to build a massive building on the site was the issue. He stated there was discussion to build something less intensive, but the applicant was not interested. Mr. Bender stated that this project would deteriorate the residential neighborhoods of the Town and clarified that the Town's tax base was with the residents, not with commercial development. He urged Council to deny this application.

Richard Reese, 3993 SW 135 Avenue, spoke in opposition of this application. He felt the Town should find the funding to purchase this parcel in order to connect it to the adjacent Vista View Park. Mr. Reese felt the proposal in question was the worst use for this site and urged Council to reevaluate the planning for this parcel. He stated that any commercial development on this site should be minimal and should benefit all the citizens. Mr. Reese urged Council to deny this application.

Kerry Waldee, 13450 SW 40 Street, stated that he would be affected by this proposed development. He referred to the original trips model and felt that it would adversely affect traffic on Orange Drive, especially westbound traffic from Flamingo Road. Mr. Waldee reminded that the residents of Imagination Farms were still awaiting promises from the developer made four years ago. He felt that the proposed use was not compatible with Vista View Park and the proposed school. Mr. Waldee urged Council to deny, but stated that if Council did approve, he hoped there would be strict conditions.

Carlos Lopez, 13960 SW 42 Street, spoke about Council obligation to consider property values and indicated that the proposed development would adversely affect property values in the area. He referred to the developer's "deceit" in not notifying potential homeowners at the inception of Imagination Farms that his plan included a major commercial site. Mr. Lopez felt that many of the residents of Imaginations Farms would not have bought in the area and paid such high prices if they had known the developer's intention. He urged Council to deny this application.

Damon Carroll, 2701 SW 154 Lane, stated that Mr. Shanmugam's analysis was based on assumptions and old information. He felt that hard data should be provided regarding traffic, bridges, and the size of the proposed buildings prior to Council making a decision. Mr. Carroll urged Council to postpone their decision on this application until they had facts.

Mr. Spencer asked if Council was familiar with the rules of lay testimony and its admissibility.

Bill Sirolla, 2681 SW 155 Lane, urged Council to keep the rural lifestyle and stated that the residents in this area wanted Shotgun Road to remain a two-lane road. He urged Council to deny this application.

Luke Munson, 2780 SW 154 Lane, stated that he would sell his property if Shotgun Road was made into a four-lane road. He urged Council to deny this application.

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Hilda Testa, 13940 SW 24 Street, reminded Council that voters clearly requested Council to enact laws to protect the rural and equestrian lifestyle. She suggested that the land use plan be changed so that this perpetual conflict with builders could be eliminated.

Holly Sigler, 2681 SW 154 Lane, felt that making Shotgun Road into a four-lane road was ludicrous. She spoke of the traffic concerns and safety issues that already existed and urged Council to deny this application.

Mr. Spencer referred to the record that the Court considered and reminded that there was a settlement agreement some years back. He advised that Council was obligated to follow the law and if they did not it would be contrary to the judge's decision. Mr. Spencer referred to the original staff report and stated that the 10 findings of fact by staff confirmed that this site was appropriate for B-3 zoning. Mr. Spencer reiterated that the Court found that no substantial competent evidence existed that would be the basis to deny the application. He stated that public comment was not expert testimony and that Council must follow the laws of the Court, which stated that substantial change from the original record had to be present in order to deny this application. Mr. Spencer suggested that B-3 zoning, by the Court's order, was the only alternative to bring the zoning into compliance with the Town's Land Use Plan.

Mayor Venis closed the public hearing portion of the meeting.

Councilmember Paul entered into evidence the "Three Party Impact Fee School Agreement," which referred to the proposed school. Mr. Spencer objected to Councilmember Paul entering evidence and stated it was not appropriate. Mr. Kiar instructed Councilmember Paul to forward the evidence to the Town Clerk. He advised Mr. Spencer that he would have an opportunity to speak after Council's discussion. Mr. Spencer reminded that Council could not act as witnesses and give testimony in quasi-judicial hearings. He stated that Councilmember Paul must excuse herself from voting if she entered evidence. Mr. Kiar indicated Mr. Spencer's objection was noted in the record.

Councilmember Paul asked for a volunteer resident to enter the school report. Mr. Kutney entered into evidence the study from the Florida Department of Environmental Protection for the grant application of the western section of Linear Park.

Councilmember Paul invited Kevin Ratterree from GL Homes to address issues regarding representations made to him when he purchased the property.

Kevin Ratterree, Vice-President of GL Homes, explained that there was a good faith understanding between the property owner and the Town to purchase the property in question and make it into a park. He clarified that there was no obligation on behalf of the owner to sell the parcel to the County for this purpose. Mr. Ratterree stated that GL Homes disclosed to their residents that there was a potential for commercial zoning on the property in question.

Mr. Spencer objected to ~~Mr. Ratterree's testimony and the report he referred to~~ the introduction of the grant application for linear park because he indicated he had not previously seen it.

Mayor Venis swore in Public Works/Capital Project Director Bruce Bernard.

Mr. Bernard referred to Linear Park and stated that a grant was applied for and filed with the State. The park was for recreational and equestrian use to bring neighborhoods together and it was part of the master trail system for the Town.

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Councilmember Paul asked if the grant was not received, was the Town still committed to extend Linear Park. Mr. Bernard replied affirmatively, stating that this was part of the Capital Projects Program, which had been adopted over one and one-half years ago.

In response to Mr. Kiar's question, Mr. Bernard clarified that he was the Capital Projects and Public Works Director for the Town of Davie and he was involved with Capital Projects program for the last 14 years.

Mayor Venis stated that he had evidence regarding this issue. He referred to the findings of fact by staff and did not agree that this project would not adversely affect living conditions. Mayor Venis referred to the current traffic study, which indicated that ~~this would adversely affect traffic~~ there would be the necessity for major road widenings on Shotgun Road, and there would be approximately 30,000 trips, and the study found fault with the previous traffic study, and he felt this parcel should be purchased by the County as an addition to Vista View Park. He stated there was a difference between the developer's appraisal and the County's appraisal. Mayor Venis entered a letter into evidence that explained why there was a discrepancy in the appraisal and indicated that the developer's appraisal was overvalued by \$3 million because of ~~road work~~ extensive traffic and road issues that needed to be completed in order to make a B-3 site work. He stated that those issues didn't exist at that time. Mayor Venis stated that if the \$3 million difference was not there, the County would probably consider acquiring the land. He stated that the judge did not have this information and he felt the Council should consider this when voting.

Mr. Spencer reiterated his objection to the discussion regarding the pending grant and the information that Mayor Venis introduced. He felt these issues were not relevant to this application. Mr. Spencer reminded that the Court's finding and the Town's Code did not support the traffic issue because Council was obligated to follow the Town's Land Development Code. He stated there were no substantial changes from the original hearing. Mr. Spencer indicated that if Council denied this application, it would be a direct challenge to the Court.

Councilmember Starkey asked Mr. Spencer if he was aware of the proposed middle school site. Mr. Spencer replied affirmatively and added that this did not change the traffic concerns of the residents. He stated that this was irrelevant to the Town's Code. Councilmember Starkey stated that in the June 7, 2000 record, there was no mention of the proposed middle school; therefore, the middle school was a substantial change to the evidence. Mr. Spencer clarified that the traffic standard was considered in the original record and the school was also mentioned. He stated that the traffic issue was considered during platting consideration, not during zoning consideration.

Councilmember Starkey referred to Linear Park and the pending grant and asked if the applicant realized they would have to put in a bridge. Mr. Spencer replied affirmatively.

Councilmember Starkey asked if Mr. Spencer was familiar with a "fatal flaw," which indicated that a road or bridge could not be put through a park. She felt this was a substantial change from the original hearing. Mr. Spencer stated that it was inappropriate for Council to present evidence at this hearing. He stated that these issues would go before the County commissioner and Council at plat consideration, not during the zoning process.

Mayor Venis indicated that he was not in favor of approving this item at this time and advised that he did not vote for the 1995 settlement agreement. He wanted to see the

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negotiations with the County regarding the purchase of this property for park use. Mayor Venis felt that 30,000 trips was excessive and would adversely affect the community. He respected the judge's opinion, but felt that substantial evidence had been entered to support Council's decision to deny this application.

Councilmember Paul referred to the criteria, the findings of fact, and the additional evidence. She stated that as a quasi-judicial body, Council was obligated to balance the law with common sense. She stated that it was Council's job to ensure that protect the citizens of the community and "while we're protecting the rights of the property owners we also are considering protecting the rights of the residents and the rights of those individuals who have been living in the area for a considerable amount of time as well as the new residents." Councilmember Paul referred to the findings of fact "D" felt there was substantial evidence which indicated that the community would be adversely affected. Councilmember Paul pointed to 5 areas of deep concern as stated in the traffic report and based on this under "E" that change will create or excessively increase traffic. She stated that she was not in favor of this rezoning and added that Council could consider a less intensive B-1 or office zoning to be more compatible with the surrounding areas.

Councilmember Paul made a motion, seconded by Councilmember Starkey, to deny. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Clark - no; Councilmember Paul - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 4-1)

Council disclosed those individuals they had communicated with regarding this issue.

9.3 Bill Spencer, representing the applicant, was present.

Assistant Town Clerk McDaniel read the ordinance by title.

Mr. Spencer reiterated prior objections and reservations without waiver.

Mayor Venis opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Paul made a motion, seconded by Councilmember Starkey, to deny. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Clark - no; Councilmember Paul - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 4-1)

Mr. Willi advised that a speaker was present for item 8.11 and asked that Council dispose of item 8.11 at this time.

8.11 Councilmember Truex made a motion, seconded by Vice-Mayor Clark, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

9.4 Mayor Venis advised that a second and final reading would be heard at a later date. Assistant Town Clerk McDaniel read the ordinance by title.

Mr. Kutney advised that staff had requested a tabling of this item. He stated that the petitioner was asked to provide additional information and an analysis regarding the impact

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and suitability on the Town's Future Land Use Plan if the property were afforded the Regional Activity Center designation. Mr. Kutney stated that the information was late in coming and was not suitable; therefore, staff would be asking for conditions. He stated that the petitioner was in a time crunch and would ask Council to approve. Mr. Kutney stated that Council could approve with conditions, which he outlined. He stated that Council still had the option of denying at the second and final hearing.

Mayor Venis deferred staff's report until after the petitioner spoke.

Barbara Hall and Neil Kalis, representing the petitioner, were present. Ms. Hall stated that the petitioner was asking for Council's approval so that the process could begin, and realized that whatever action Council took at this hearing was not binding. She stated that all approvals were in place except for the site plan approval. Ms. Hall stated that the petitioner wanted to move forward with the mixed-use project. She stated that it was true that she had not provided the Town with all the information requested, but she had provided a significant amount of documentation. She clarified that Council was not deciding on density at this hearing, but whether or not the parcel could be developed residential. The density issue would be decided at zoning.

Ms. Hall referred to the 1989 settlement agreement that controlled the development of the site. She stated that the settlement agreement gave the developer many rights, including intense commercial use and minimal buffers. Her client understood that if this amendment was adopted in June 2003, and the accompanying zoning was put in place, the settlement agreement would no longer be effective. Ms. Hall stated that her client would work with the Town to either amend the settlement agreement to adopt the agreed upon plan at the end of the process or to eliminate it.

Mr. Kiar asked Ms. Hall if the applicant was voluntarily stipulating that "if this became part of the RAC," the 1989 settlement agreement would become null and void and would be subject to all existing code requirements. Ms. Hall clarified that in conjunction with the adoption of this land use, the applicant would also be adopting a zoning at the same time. She indicated that residents were not willing to support this without knowing exactly what the project was. Ms. Hall stated that the land use plan, the zoning and the accompanying plan should be adopted simultaneously, at which time the 1989 settlement agreement would either be amended or eliminated. She added that this proposal would have to be agreed to by the Town and the applicant. Ms. Hall clarified that the settlement agreement would no longer apply for the mixed use her applicant was seeking.

Councilmember Starkey asked if this application was not approved, would the petitioner have the right to enforce the settlement agreement. Ms. Hall replied affirmatively.

Ms. Hall explained the request and spoke of the Regional Activity Center and its boundaries. She stated that the petitioner was asking that the Regional Activity Center be extended to include the property in question so that the applicant could take advantage of the development rights therein to do a mixed use project. Ms. Hall clarified that under the current land use of commercial, a mixed use project could not be done. She spoke of the available uses that her client would be allowed to choose from if the application was approved. Ms. Hall stated that her client would meet with residents during the planning stage.

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Tim Hernandez, representing New Urban Communities, stated that his firm specialized in mixed use communities. He explained that this project would be a self-sufficient neighborhood that provided both housing and commercial for residents of the community and adjacent neighborhoods. Mr. Hernandez spoke of how the concept was being implemented in a number of areas in South Florida. He felt that this type of design was appealing because of the close proximity to the universities.

Ms. Hall stated that she had heard concerns about the impact of such a project. She committed to look at the impact between the time of transmittal and before returning to Council. Ms. Hall stated that under the Florida State Statute for adopting land use amendments, Council "could adopt it or adopt it with changes." She stated that if adjustments were necessary to the residential units, it could still be discussed before Council made a final decision.

Vice-Mayor Clark asked how high the buildings could be under the current commercial agreement. Ms. Hall stated that without Council approval, the commercial buildings could be four stories with a 150 foot tower or five stories without it. She added that the buildings could be seven stories with Council approval.

Mr. Kiar asked Ms. Hall if she had committed to the residents that the buildings would not be higher than three stories. He asked if she was making this same commitment to Council if the Regional Activity Center were approved for the site in question. Alan Margolis, the petitioner, replied affirmatively. Mayor Venis reported that there were residents who were not in favor of three story townhouses so no commitment was necessary at this time.

Mr. Kutney summarized the staff report. He stated that because staff did not have time to prepare a thorough analysis, they were not able to provide information to Council regarding what other major property owners in this designation envisioned for their properties. Mr. Kutney felt this had a major bearing on this issue and believed that the Town was bound to the figures in the original 1998 amendment.

Mayor Venis opened the public hearing portion of the meeting.

Joe Salvanna, 4253 SW 84 Terrace, president of the homeowner's association, stated that the residents of his community were pleased with the new proposal and at the last meeting, there were very few residents opposed. The main concerns were the impact on the schools and the height of the buildings.

William Phillips, 8431 SW 44 Place, stated that he would prefer to see a residential community and felt it was in the best interest of the surrounding community and the Town.

Kevin Hyatt, 4422 SW 84 Terrace, stated that he would prefer a mixed use project on this site.

Randall Clutter, 4411 SW 82 Way, spoke in favor of this application. He stated that the developer had a good track record and had indicated that he would own and manage the commercial portion of the property.

Peter Lightburn, 8048 South Savannah Circle, felt this was a better proposal than commercial use.

Barbara Caballero, 8250 SW 44 Court, was in favor of this application with modifications. She encouraged Council to allow the petitioner to move forward with this project.

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Gary Tutori, 8108 South Savannah Circle, entered into evidence a letter signed by 22 residents of South Savannah Circle. He stated that there were concerns with density and height.

Pat Costello, 8099 South Savannah Circle, read the letter Mr. Tutori entered. The letter advised that these residents "had serious objections to the developer's proposal for a mixed use proposal." Mr. Margolis indicated that he would work with residents to resolve concerns.

Bill Snyder had no objections to moving forward with this proposal, but felt that the number of units needed to be addressed. Mayor Venis reported that at the meetings he attended, residents were concerned with the density. Mr. Snyder also referred to the drainage issue and was concerned because his property would be lower than the completed project.

Patricia Petrovich, 8166 North Savannah Circle, explained that the primary concern with the three-story townhouse proposal was privacy. She preferred a two-story building.

Joe Cosner, 4451 SW 77 Avenue, was concerned with the five-story building possibility. He was concerned with density and traffic and felt that the mixed use was the best designation for this site.

Michele Mellgren, 300 SW 2 Street, cautioned Council about extending the Regional Activity Center boundaries to accomplish development on this site. She was speaking on behalf of property owners within the Regional Activity Center district. Ms. Mellgren spoke about the history of the Regional Activity Center and reasons it was developed. She also spoke about the number of dwelling units allowed in the Regional Activity Center and stated that this mixed use project would take up a good portion of it. Ms. Mellgren felt it was questionable whether the property in question actually bordered the existing Regional Activity Center as it was supposed to. She stated that mixed use could be developed on this property without extending the Regional Activity Center boundaries. Ms. Mellgren strongly encouraged Council to deny this application.

Mayor Venis closed the public hearing.

Councilmember Starkey disclosed the individuals who she had spoken with. She stated that she was not opposed to transmitting the request at this point and was in favor of moving forward because Council would have time to study the analysis before the next reading. Councilmember Starkey felt that mixed use was attractive because of the universities and added that this was an adequate way to buffer the existing residential.

Mayor Venis stated that he had attended two meetings and heard resident concerns and commitments by the attorney and the developers. He reported that the concerns included parking, traffic signals, the impact on Orange Drive, density, height, school impact, traffic impact, and drainage. Mayor Venis stated that he did not want to wait until next June to get a finalized plan. He would like the developer to have meetings with the residents and staff a minimum of every 30 days between now and when the request went before the County Commission in February. Mayor Venis stated that if the residents and the developer came to a consensus, then Council could pass a resolution on the agreements and they would ask for County approval. Mr. Kutney felt this was an excellent idea and asked that Council consider adding a date that the developer must provide the analysis to staff. He stated that staff needed time to review and November 15th should be considered.

Councilmember Truex stated that he was originally against the Regional Activity Center because originally, it was to permit higher density residential developments. He felt this was

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not a true self-contained community and the community at large would have no business there. Councilmember Truex felt this development would have a major negative impact on the entire area and gave various reasons why he was opposed to this, including the density. He felt the developer was "badgering" the neighbors by telling them this was the best they could get. Councilmember Truex felt this development would not provide an appropriate buffer to the adjacent community, as the buffer would be a three-story building. He felt this was no way to plan a city and was concerned that the other "players," including the university and the Davie Economic Development Committee, were not given proper notification. Councilmember Truex felt the residents were being threatened with the fact that the settlement agreement allowed for a five-story building. He indicated that this could be worked out, without changing the Regional Activity Center. Councilmember Truex stated that he would be voting against this application and hoped that one other Council member would join him in denying this application.

Councilmember Paul referred to the rules of the Regional Activity Center, which indicated that this was for redevelopment and indicated that the property in question was vacant land. She was concerned with extending the Regional Activity Center beyond its limits and added that Nova Southeastern University should have been allowed the opportunity to present how they were going to use square footage and other options before Council made a decision.

Councilmember Starkey stated that approving this application would only allow the application to move forward and it would not adversely affect the Regional Activity Center. She reiterated that the mixed use proposal was a good concept for this site.

Mayor Venis stated that the residents clearly wanted the opportunity to negotiate.

Ms. Hall stated that the petitioner would commit to meet with Nova Southeastern University President George Hanbury. She advised that the concurrency expired in December 2003 and if this was delayed, the petitioner had to go forward with a building.

Vice-Mayor Clark agreed with Councilmember Truex except that the settlement agreement had to be considered. She wanted to see projects that this request would affect. She was not in favor of adding more units to the Regional Activity Center.

Councilmember Paul recommended the petitioner request a rezoning for some commercial and a set density and forgot the Regional Activity Center expansion.

Ms. Hall stated that this was not possible with rezoning alone and a land use amendment would be necessary and indicated that the rezoning would not allow for enough units. She reiterated that allowing this to go forward would not hurt anyone. She added that if no consensus was reached, the petitioner would go back to the original settlement agreement.

Mr. Kutney agreed that the Town could not allocate enough units to meet the needs of the developer.

Councilmember Paul was opposed to extending the Regional Activity Center and the high number of residents. She felt that voting for this transmittal would be contradictory on her part and added that she did not think the County Commission would approve this request.

Councilmember Starkey stated that historically, mixed use communities had been successful as opposed to commercial properties. Councilmember Truex clarified that no one was against the mixed use, it was the number of proposed residents.

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Councilmember Starkey made a motion to approve with the condition that the Town transmit, move it forward with the impact analysis that the developer provide by November 15th, and workshops be held every 30 days with the residential community, as well as reaching out to Nova Southeastern and the other community groups, not just the two other homeowners associations, with no commitments, these are negotiations for transmittal only, the final site plan will be concluded, and the Town would know the densities, the intensities, everything before the February meeting.

Councilmember Paul asked if this would come back to Council. Mayor Venis stated it would be discussed before it went to the County Commission. Councilmember Paul asked what if it was not to Council's liking. Mayor Venis responded that a resolution would be set to oppose it. Ms. Hall clarified that it was the Town's amendment so Council could withdraw it.

Vice-Mayor Clark seconded the motion. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Clark - yes; Councilmember Paul - yes; Councilmember Starkey - yes; Councilmember Truex, no. (Motion carried 4-1)

Mayor Venis called a recess at 11:11 p.m. and the meeting was reconvened at 11:20 p.m.

9.5 Mayor Venis swore in the witnesses. Mr. Peters summarized the report.

Mayor Venis opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Paul made a motion, seconded by Vice-Mayor Clark, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Clark - yes; Councilmember Paul - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

9.7 Assistant Town Clerk McDaniel read the resolution by title.

Mayor Venis opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Paul made a motion, seconded by Vice-Mayor Clark to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Clark - yes; Councilmember Paul - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

9.8 Mayor Venis advised that the second and final reading would be held at the October 16, 2002 meeting.

Planning and Zoning Manager Fernando Leiva, Assistant Town Clerk McDaniel and Mr. Kutney read the ordinance by title.

Planner Marcie Nolan explained that the ordinance was only applicable to the land developments regulations AG, A1, and R1. She summarized the ordinance and spoke about the Scenic Overlay Corridors and the 100 foot buffers that were being sought. The roadways included Flamingo Road, Orange Drive, and Shotgun Road. Ms. Nolan advised that Hiatus Road was inadvertently included and should only have a 50 foot buffer. Boy Scout Road, Davie Road, Peaceful Ridge Road, SW 58 Avenue, and SW 76 Avenue would also have the 50 foot

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scenic overlay buffer. She indicated that the Community Redevelopment Agency boundaries were exempt.

Councilmember Truex felt SW 70 Avenue should be included and asked why it was not. Ms. Nolan indicated that staff did not want to include too many roads because they wanted certain roads to be scenic corridors. She stated that staff would consider SW 70 Avenue and determine whether it should be included.

Councilmember Paul asked why Orange Drive was included only to Pine Island Road and not to University Drive. Ms. Nolan stated that there was more development east of Pine Island Road. Ms. Nolan stated that this could be modified. She added that by creating a scenic corridor along Orange Drive, the Town would eventually be able to remove it from the trafficways plan.

Ms. Nolan stated that certain elements were restricted, including signs, fences, mailboxes, entranceway features, and lighting. She spoke of the types of landscape buffers that would be included.

Councilmember Starkey suggested that not planting under the powerlines should be included. Ms. Nolan agreed and stated that 60% of the trees would be native.

Ms. Nolan spoke about the land development regulations. She said staff was proposing to change subtle items that would effect perception in the AG, A1, and R1 designations. Ms. Nolan stated that restrictions, supplemental restrictions, and incentives were added to balance the development rights of the property owners. She listed those items that would be prohibited overall and in certain areas.

Councilmember Starkey felt that the restrictions belonged in a different category and added that the restrictions for estate zonings should be separate from rural property. She stated it was not the consensus of the community to eliminate guardhouses, walls, and berms and she felt there should be more incentives not to include these features. Vice-Mayor Clark and Councilmember Paul disagreed. Councilmember Paul stated that those who attended the meetings, including Council and residents, were firm on the fact that they did not want berms, guardhouses, and walls, as they did not represent the rural lifestyle. Councilmember Starkey agreed, but felt the restrictions should not affect the estate zoning and R-1 zoning designations. She hoped for a rural ranches designation. Vice-Mayor Clark clarified that the purpose was to change development because the residents did not want more private communities. Councilmember Truex agreed with Vice-Mayor Clark and Councilmember Paul.

Ms. Nolan stated that incentive options included in the ordinance might not meet the needs of all developers, but would affect many. She continued to summarize the ordinance and described the regulations on fencing, shadowbox, and berms. Ms. Nolan spoke of the incentive package. She explained the list of incentives that staff proposed and how points would be earned.

Councilmember Truex asked if access could be restricted on a public road. Ms. Nolan stated that it could not.

Councilmember Truex suggested that guardhouses and gates either be taken off the list so they were not an incentive or increase the points. He remembered that there were concerns with private communities that were not accessible by all residents of the Town. Councilmember

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Truex was opposed to guardhouses and gated entranceways and he felt that developers would go for the option as it was presented.

Vice-Mayor Clark agreed that it should be more difficult for developers to choose this option. Mayor Venis agreed with Vice-Mayor Clark.

Councilmember Truex felt that the number of points for cul-de-sacs was too low. Ms. Nolan stated that staff had raised it to five points. She went on to describe the changes in architectural design, which included moving garages to the rear of homes. Ms. Nolan explained the anti-monotony provision. She spoke of street standards and explained the regulations and described the landscaping regulations and restrictions. Ms. Nolan also spoke of trails and storm water retention components.

Council commended staff for a job well done. They felt the ordinance was flexible and addressed the needs of the Town.

Mayor Venis opened the public hearing portion of the meeting.

Bill Laystrom, representing Southern Homes III and Southern Homes VI, explained the purpose of the incentive was to either create 43,000 square foot lots or 20% open space in developments. He stated that his client did not believe the incentive was there for the "concentrated" open space. Mr. Laystrom displayed a site plan and discussed how additional concentrated open space could be added by means of an incentive. He indicated that having public trail systems around the perimeter of a development would not have as much impact as a concentrated area and asked that an incentive be offered for the latter.

Councilmember Paul asked for clarification regarding the trails. Mr. Laystrom stated that rather than increasing the width of the recreational/equestrian trails to 50 feet, they would remain at 20 feet and the other 30 feet would be used in a concentrated open space area.

Mr. Laystrom referred to public roadways and indicated that the Code stated roads should be 40 feet. He suggested that there be an incentive for leaving the roads at 30 feet and using the remaining 10 feet for concentrated open space. Mr. Laystrom stated that cross sections should be no larger than 30 feet.

Mr. Laystrom referred to perimeter lakes and suggested that 15% of them be included as open space. He felt that sidewalks were not characteristic of rural neighborhoods. Mr. Laystrom referred to entrance features and suggested that entranceways be one lot wide on either side. He stated that staff could determine design, but the developer wanted something that signified an entranceway into a neighborhood. Mr. Laystrom felt that a four to ten foot sign would not be sufficient.

Mr. Laystrom referred to lot sizes and asked that rather than them being 150 feet wide as proposed by staff, they were between 125 feet and 150 feet. He clarified that interior lakes would not be included in the open space required, but the perimeter lakes would. Mr. Laystrom referred to side yard setbacks and stated that his client would like the flexibility of having 25 foot setbacks rather than 30 feet. He indicated that his client would be pleased with these changes. Mr. Laystrom offered to speak with Council individually for further discussion and offered his assistance.

Councilmember Paul asked staff's point of view on Mr. Laystrom's recommendations. Ms. Nolan indicated that the trails would be part of open space and indicated that staff was working on a master plan for trail systems as they wanted all trails to be interconnected. She

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stated that micromanaging the open space would result in too many gray areas and there would be no consistency. Ms. Nolan advised that if a development was adjacent to a scenic corridor, 50% of the scenic corridor could contain the water body. Also, the adjacent scenic corridor could be counted in the open space calculation. She stated that if the open space considerations were too flexible, the Town could end up with open space that should not be considered open space.

Councilmember Truex asked Ms. Nolan to address the road reduction issue. Ms. Nolan indicated that staff insured that any road right-of-way would get a full 50 foot cross section. She stated that 30 foot cross sections were obsolete. Councilmember Truex asked if there was a safety reason for the 50 foot cross section. Mr. Peters indicated that a 24 foot paved area was necessary and the rest was for drainage, sidewalks, swales, and trees. Ms. Nolan added that it was important to have at least 40 feet because without it as a there would be conflicts with sidewalks and trees.

Ms. Nolan referred to sidewalks and stated that they were required on both sides of the street. Staff could consider eliminating one sidewalk as an incentive, if Council so directed. Councilmember Starkey stated that she would like to have sidewalks and she was not opposed to eliminating one sidewalk.

Ms. Nolan indicated that staff understood Council wanted to reduce the amount of "closure." She clarified that the ordinance allowed for two 10 foot long sections with a 20 foot break in between.

Mr. Laystrom felt that as the Code read, there was no incentive for the entranceways. He also felt that the trail system as it was would not allow for concentrated open space.

Councilmember Truex asked how Mr. Laystrom was including 15% open space with the perimeter lake. Carlos Valve, 1700 SW 64 Street, indicated that the current Code stated that 15% of a lake could count as open space. He stated that the lake would be open for the public, rather than isolated. Mr. Valve suggested that if it was going to be used as an amenity, a credit or incentive should be applied. Mr. Laystrom clarified that they were asking for 15% because that was what the current Code allowed, but Council could put a cap on this number.

Councilmember Truex clarified that if 20% open space was required, then in essence 75% of the 20% could be water. Mr. Laystrom agreed and reiterated that this was in conjunction with the current code.

Councilmember Paul stated that this was what had caused conflicts because it created a gray area. She did not want to include anything at this hearing without looking at all angles. Councilmember Paul was firm that she did not want any gray areas. Vice-Mayor Clark did not want to make any changes at this meeting, but was agreeable to having Mr. Laystrom meet with staff to further discuss. Councilmember Paul felt that some of Mr. Laystrom's suggestions should be considered, but not all.

Councilmember Truex asked if the ordinance could be approved with the suggested changes being incorporated at the second reading without having to go through the entire process again. Ms. Nolan replied affirmatively. Town consultant Andy Maurodis stated that each suggestion had to be considered on an individual basis, but some could be done in the context of the second reading.

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Councilmember Starkey did not see any harm in adding trails toward the open space calculation. Councilmember Paul stated that a site-specific ordinance could not be written and stated that any change be cautiously written.

Mr. Leiva reminded that Council was not approving the final ordinance at this hearing and indicated that staff would review Mr. Laystrom's suggestions. He stated that staff had created a document that was enforceable and defensible.

Mr. Maurodis felt that most of the changes suggested by Mr. Laystrom could be dealt with before the second reading. He clarified that the titles could not be changed.

Julie Aitken, 3801 Flamingo Road, complimented staff on their work and felt they did a good job in trying to close all loopholes. She stated that Council was making a mistake by considering changes because it would allow the developers to write the ordinance. Ms. Aitken indicated that what Mr. Laystrom had presented was not in support of rural character, but rather small town. She felt that his client did not want the sidewalks so that they could add more houses. Ms. Aitken added that the incentives offered in this ordinance were not going to allow the Town to achieve its open space goal. She added that the second ordinance needed to be looked at very closely for this purpose.

Alejandro Rafin asked about access at secondary entrances connecting to other communities if he was allowed to put a gate in the main entrance. He also asked who was going to maintain equestrian trails if the trails were behind private lots. Mr. Rafin questioned the traffic flow and felt there should be a workshop to address these issues. Councilmember Starkey advised that the Town maintained the current trails and the maintenance of the proposed had yet to be determined because the developers wanted to maintain the trails more often than the Town could.

Mr. Rafin questioned if the trails were to be easements or parcels. Ms. Nolan advised that the best mechanism would be to have the trails as separate parcels which was staff's position. Mr. Rafin questioned the maintenance and liability of the trails whether they be easements or parcels. Mr. Maurodis indicated that if the trail was an easement, the owner had a certain amount of liability.

Councilmember Starkey stated that Council was proposing that the trails not be easements. Councilmember Paul clarified that they were trying to eliminate some concerns for developers and property owners over portions of the trail systems. Mr. Maurodis reiterated that if the property was an easement, the owner would have some liability. He stated that if the property was dedicated or transferred, then there would be no liability, but there would be other constitutional issues attached.

Mr. Rafin wanted to know how the Town was going to protect the property owners from traversing the horse trails. He asked if fencing or barriers would be permitted and who would install the fencing. Councilmember Paul stated that the general intent of the Town was to build a trail system. She stated that potential property owners should be well aware of this before purchasing a parcel adjacent to equestrian/recreational trails.

Mr. Maurodis stated the intent of the public hearing was to allow residents the opportunity to be heard, not to allow the developer the opportunity to work through his particular development issues. He also felt that there was nothing new regarding the trails and Mr. Rafin had other issues that needed to be dealt with in a different context than during public

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hearing. Ms. Nolan clarified that if the developer wanted to restrict access to a development and add a guard gate, it could be done through an incentive where the developer would have to provide 20% net dry open space or a full acre lot.

Dawn Sonneborn, representing Sheridan House, objected to the 100 foot scenic corridor buffer as it was excessive with what was already there. She recommended a 50 foot buffer rather than the 100 feet.

Steve Dunslaw, also representing Sheridan House, explained his concern with the buffer and advised that it took away "quite a bit" of service provision for his property. He stated that the buffer would restrict the openness of his property and create difficulties.

Michael Cohen, 5500 SW 58 Court, asked for clarification regarding the 50 foot trail around the perimeter of the development. Ms. Nolan stated that the 50 foot buffer was not a requirement and staff would revise the language in the ordinance to make this clearer.

Walter Carson, 1601 SW 115 Avenue, representing Builder's Association of South Florida, commended staff on their hard work. He stated there were specific ways for the Town to address the concerns regarding using private properties for public access and felt that the Town did not have the right to extract property without compensation. Mr. Carson stated there were some difficulties with the language in the ordinance and he highly recommended further workshops to resolve any concerns.

Brenda Munson, 14591 SW 23 Street, could not imagine an elaborate entranceway on SW 145th Avenue in the Oak Hill area and spoke about the development history of development in the Town. She stated that most injuries involving horses happened to the riders, not pedestrians and she felt the residents were very lucky to have the elaborate trail system that the Town provided.

Courtney Cardozo referred to the 50 foot trails and the 40 foot roads and stated that this would reduce density and adversely affect the Town's revenue. He asked who was going to maintain the trails and he felt the revenue could be better spent on improving communities.

Damon Carroll asked if the developer could dredge up to an existing rural trail and then claim 15% of water as open space. Vice-Mayor Clark indicated that the current Code allowed 50% of water to be considered open space. Mr. Carroll asked if current trails could be absorbed by developers as open space. Vice-Mayor Clark clarified that developers would have to add on to existing trails.

Bill Sirolla stated that he was in favor of the ordinance and urged Council to make the right decisions in an expeditious manner.

Jamie Schupp, 4100 SW 78 Terrace, felt that the Town was reducing density, but not including public parks and she was in favor of smaller lots and less horse trails. She did not understand why the Town wanted to eliminate walls and monument signs. Ms. Schupp felt these features were beneficial to the community and helped increase property values.

Curt Shaw, 1861 SW 105 Avenue, commended staff for their work. He felt that this ordinance could be approved with minimal changes.

Judy Quinn stated that reducing the builders' number of units would reduce millions of dollars in tax revenues.

Mayor Venis closed the public hearing.

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Mr. Maurodis stated that Council could feel comfortable in adopting the proposed ordinance and the suggestions from Mr. Laystrom could be considered on second reading.

Councilmember Paul made a motion to approve considering some of the recommendations that were made: staff to look into adding SW 70 Avenue; continuing Orange Drive as a scenic corridor to University Drive; no planting under power lines.

Mr. Maurodis interjected that if Council was going to be expanding the scenic corridor to areas that were not in the ordinance on first reading, this might be prohibited from doing this on second reading. He clarified that it had to be done at this time if it was going to be done at all.

Councilmember Paul amended her motion to include no study, add SW 70 Avenue; Orange Drive to University; no planting under the power lines; on page 10 - "only in conjunction with private road" - correct the entry features from six to ten feet - the first one that adding the point only in conjunction with private road; adding the five points for the cul-de-sacs for the incentive, instead of two; the clarification of the vegetation removal; and the clarification on the 50 foot trail.

Vice-Mayor Clark asked if the motion was to include the Miller Legg request. Councilmember Paul responded negatively.

Vice-Mayor Clark seconded the motion.

Councilmember Truex asked about the Sheridan House request. Councilmember Paul indicated that this request would affect the entire corridor and Sheridan House's concern would be site specific.

In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Clark - yes; Councilmember Paul - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

9.9 Assistant Town Clerk read the ordinance by title.

Ms. Nolan indicated that this ordinance was not required, as it was an optional element. She summarized the ordinance and explained the yield plan.

Mayor Venis opened the public hearing portion of the meeting.

Joyce Stewart, 10850 SW 25 Street, stated that she had done a lot of research and was strongly against this type of arrangement because it would create many conflicts. She stated that staff worked hard to get to this point, but she could not find anything beneficial about this ordinance. Ms. Stewart urged Council to act with caution.

Jason Curtis, 3801 Flamingo Road, felt that Ms. Stewart's comments were contradictory for a real estate agent. He stated that the tax base would change slightly, but the Town would benefit from having more park space. Mr. Curtis added that his property was being considered for purchase by the County for Property Purchase of Development Rights.

Bill Sirolla was in favor of this ordinance.

Arthur Hurley, 3500 SW 121 Avenue, stated that he owned parcels that would fit into this ordinance and he was asking the County to purchase Property Development Rights. He urged Council to approve because change was good.

Councilmember Starkey asked Mr. Hurley if he realized that the map did not include his parcel in the overlay district. Mr. Hurley replied affirmatively and stated that perhaps it could

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be amended in the future. Councilmember Starkey asked Mr. Hurley how he proposed putting a stable on the 15,000 square foot lot. Mr. Hurley felt that this particular type of development would lend itself to stables and indicated that it would be more geared towards additional open space, rather than equestrian facilities. He suggested that grazing pasture for horses could be included.

Councilmember Paul clarified that there could be a development with smaller lots with a community equestrian facility. Mr. Hurley felt that this ordinance would not adversely affect anyone and it needed to be approved at this meeting or there would be no further opportunity.

Jason Hurley, 3500 SW 121 Avenue, spoke in favor of this ordinance. He felt this was a unique tool for the Town to recoup open space.

Hilda Testa, 13940 SW 24 Street, spoke in favor of this ordinance and stated that it provided opportunity for something the Town did not have - themed communities. She reminded that the goal was not to increase density.

Alejandro Rafin asked if wetlands were allowed in open space. Ms. Nolan indicated that 10% of a water body was allowed. She explained regulatory flexibility and stated that it would benefit developers, especially where mitigation was concerned.

Councilmember Starkey stated that the overlay district did not apply to Mr. Rafin's property. Ms. Nolan stated that this was originally going to be applied to the entire Town; however, it would be up to Council's direction.

Vice-Mayor Clark stated that this ordinance was addressing the majority of the residents' wishes. Councilmember Starkey clarified that the trails were recreational for biking, horses, and pedestrians.

Ms. Aitken reminded that the Town had a mandate to preserve the rural character and equestrian lifestyle and spoke in favor of this ordinance. She stated that those who lived in rural areas did not want any development at all. Ms. Aitken advised that there should be no concerns regarding property value, as GL Homes was having no problem selling very expensive homes on small lots. She felt this ordinance was the only way to preserve open space and there was nothing to lose as Council would have total discretion.

Mayor Venis closed the public hearing.

Councilmember Paul thought this ordinance was a good idea because it saved open space and kept density the same and she liked the idea of contiguous open space. She complimented staff on doing an outstanding job.

Councilmember Paul explained that because this was an overlay district, each property would be looked at individually by Council. She felt that wildlife was dwindling and it needed to be preserved. Councilmember Paul believed that each Councilmember had used the issue of preservation and open space in their campaigns and felt this was their opportunity to "put their money where their mouths were." She reminded that this ordinance was generated by staff based on workshops with residents and Council.

Councilmember Truex reported that the Open Space Advisory Committee felt this ordinance did not allow for true open space, as there would be no public space, and he agreed. He clarified that the mandate was not to create open space, but to maintain rural and equestrian lifestyles. Councilmember Truex felt that cluster developments would not promote equestrian use because a property owner had to have 35,000 square feet in order to house a horse.

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Councilmember Truex referred to “regulatory flexibility” and understood that it applied to changing wetlands. He now felt that it could be used to change “anything” as long as Council felt it would benefit the community. Councilmember Truex was concerned that developers would interpret the 15,000 square feet as it suited them, which would ultimately defeat the purpose. He referred to the “yield plan” and was certain it would increase density. Councilmember Truex also referred to the incentives as they applied to cluster housing and felt that developers would “buy” these incentives because it would allow for more density. Councilmember Truex was concerned that this ordinance provided for commercial nurseries to be considered open space, and felt this would increase traffic and would not be a public area.

Councilmember Paul stated that the Open Space Advisory Committee’s action form contradicted itself. She felt that they might not have had the whole “document” when they made their decision, and were therefore not fully informed. Vice-Mayor Clark added that the Open Space Advisory Committee did not have as much time as Council did to review the ordinance.

Councilmember Truex reiterated that Open Space Advisory Committee’s concern was that the open space recommendations were not for public use. Vice-Mayor Clark felt that this ordinance allowed for “better” open space.

Councilmember Paul disagreed with Councilmember Truex regarding the “yield plan.” She felt that it was very strong and there would not be an increase in density. Councilmember Paul agreed there might be smaller lots, but there would still be a cap on the number of homes. Mayor Venis asked Ms. Nolan if there would be increased density. Ms. Nolan stated that the proposal addressed Councilmember Truex’s concern regarding density with the yield plan, which capped the number of homes permitted.

Mayor Venis stated that residents would have the opportunity to address concerns regarding a particular parcel through the ordinance. He advised that a special edition of the *Davie Update* was being prepared regarding this ordinance. Mayor Venis asked if there was going to be a workshop. Mr. Kutney indicated that the developers wanted a workshop to address rural lifestyle rather than open space. Councilmember Paul indicated that residents would be informed through the *Davie Update* and they would be able to give input at that time. She felt there was no need for a workshop. Mr. Kutney indicated that Mr. Maurodis would discuss extending the Zoning in Progress, which would give Council the opportunity to have a workshop if they so chose.

Councilmember Starkey felt that if the Town wanted open space, it had to be bought. She felt that in order to achieve the rural lifestyle, those who wanted it had to be on larger tracts of land. Councilmember Starkey indicated that there were specific properties that the open space concept would benefit and she was reluctant to open this up to such a broad overlay district because she felt developers would abuse it. She preferred to define more specific areas that would qualify for conservation and added that she wanted to have more feedback from the community.

Councilmember Paul felt that time was of the essence and something needed to be done immediately to save what was left. She stated that many people were looking for larger lots to build estates rather than for equestrian use and this concerned her. Councilmember Paul disagreed with Councilmember Starkey regarding the need for larger lots.

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Vice-Mayor Clark stated that the idea was to preserve sites in their natural states and to decrease the need for maintenance. She spoke of the history of the Town and felt that something must be done to preserve open spaces and green spaces.

Councilmember Truex asked that the regulatory flexibility include 15,000 square feet as the absolute minimum size for lots. Councilmember Paul and Vice-Mayor Clark agreed. Councilmember Paul made a motion, seconded by Vice-Mayor Clark, to approve the Open Space Design Overlay [with the 15,000 square foot minimum]. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Clark - yes; Councilmember Paul - yes; Councilmember Starkey - no; Councilmember Truex - no. (Motion carried 3-2)

Mr. Maurodis asked Council to consider adopting a resolution to extend the zoning in progress for an additional 15 days.

Councilmember Paul made a motion, seconded by Vice-Mayor Clark, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Venis requested that items 9.10 and 9.11 be postponed until the next meeting.

Mayor Venis advised that item 8.7 was requested to be tabled until October 16, 2002.

Councilmember Paul made a motion, seconded by Vice-Mayor Clark, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Venis advised that item 9.6 was requested to be tabled until December 18, 2002.

Councilmember Starkey made a motion, seconded by Vice-Mayor Clark, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Venis advised that items 12.3 and 12.4 were requested to be added.

Councilmember Starkey, made a motion, seconded by Councilmember Paul, to add. In a voice vote, all voted in favor. (Motion carried 5-0)

12.3 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUPPORTING
R-2002-243 BROWARD COUNTY'S USE OF PURCHASE OF DEVELOPMENT RIGHTS
(PDR) AS A PART OF BROWARD COUNTY'S OVERALL LAND
PRESERVATION EFFORTS.

Councilmember Paul made a motion, seconded by Vice-Mayor Clark, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

12.4 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, TO REQUEST A BILL
R-2002-248 TO BE ENTITLED AN ACT RELATING TO BROWARD COUNTY; PROVIDING
FOR EXTENDING THE CORPORATE LIMITS OF THE TOWN OF DAVIE AND
THE CITY OF COOPER CITY; PROVIDING FOR ANNEXATION OF THE
UNINCORPORATED AREA KNOWN AS "UNITED RANCHES"; PROVIDING
FOR AN ELECTION; PROVIDING FOR AN EFFECTIVE DATE OF
ANNEXATION; PROVIDING FOR AN INTERLOCAL AGREEMENT;

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PROVIDING FOR A CONTINUATION OF CERTAIN BROWARD COUNTY REGULATIONS; PROVIDING FOR THE TRANSFER OF PUBLIC ROADS AND RIGHTS-OF-WAY; PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Paul made a motion, seconded by Vice-Mayor Clark, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

9.1 Assistant Town Clerk McDaniel read the ordinance by title.

Mayor Venis opened the public hearing portion of the meeting.

Mr. Kiar requested that Exhibit A to the legal description be attached prior to staff recording the deeds.

Mayor Venis closed the public hearing.

Councilmember Starkey made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Clark - yes; Councilmember Paul, yes, Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

8. CONSENT AGENDA

Minutes

8.1. July 10, 2002 - Regular Meeting (tabled from September 18, 2002)

Proclamations

8.2. Physician Assistant Day (October 6, 2002)

8.3. Lights On Afterschool! (October 10, 2002)

8.4. National School Lunch Week (October 14 - 18, 2002)

Home Occupational License

8.5. Tigerhugz Den, 13951 SW 24 Street

Resolutions

8.6. **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA**
R-2002-244 AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY, AND STONE HARBOR, INC., FOR COMPLIANCE WITH CONDITIONS SET FORTH IN AN ENVIRONMENTAL IMPACT REPORT PREPARED FOR THE STONE HARBOR, INC. PLAT; PROVIDING FOR MITIGATION MEASURES TO SATISFY CONDITIONS OF THE ENVIRONMENTAL IMPACT REPORT; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (DA 8-2-02, 3201 West State Road 84) (tabled from September 18, 2002)

8.7. **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN

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FOREST RIDGE MASTER HOMEOWNERS ASSOCIATION AND THE TOWN OF DAVIE POLICE DEPARTMENT FOR TRAFFIC CONTROL.

8.8. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2002-245 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN EL JARDIN OF DAVIE LTD. AND THE TOWN OF DAVIE POLICE DEPARTMENT FOR TRAFFIC CONTROL.

8.9. **PLAN/BUDGET AMENDMENT** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2002-246 FLORIDA AUTHORIZING CERTAIN AMENDMENTS TO THE TOWN'S "CONSOLIDATED PLAN FOR FEDERAL FUNDS 1997-2002, THE "CONSOLIDATED PLAN FOR FEDERAL FUNDS 2002-2007", AND THE APPLICABLE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) BUDGETS.

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- 8.10. **PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A SUBDIVISION PLAT KNOWN AS OAK HOLLOW ESTATES AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 12-2-01, 3700 SW 136 Avenue) *Planning and Zoning Board recommended approval subject to the planning report*

Temporary Use Permit

- 8.11. TU 8-4-02, Turnberry Tower Shops, 1904 South University Drive

Councilmember Paul requested that item 8.10 be removed from the Consent Agenda.

Councilmember Truex made a motion, seconded by Vice-Mayor Clark, to approve the Consent Agenda without item 8.10. In a voice a voice vote, all voted in favor. (Motion carried 5-0)

8.10 Councilmember Paul stated that there was no indication of water retention in the plats that were provided. She asked staff what the water retention "piece" was for this property.

Gus Khavanin, representing the petitioner, stated that an easement was going to be provided around the perimeter later on. The plan had to be designed and submitted for approval from the Central Broward Water Control District.

Councilmember Paul made a motion, seconded by Councilmember Truex, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

9. PUBLIC HEARINGS

Ordinance - Second and Final Reading

- 9.1. **WARRANTY DEED** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING A WARRANTY DEED FROM CERTAIN RESIDENCES CONVEYING CERTAIN PROPERTY FOR USE AS A PUBLIC RIGHT-OF-WAY; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. (residences along SW 23rd Street)

This item was approved earlier in the meeting.

Ordinances - First Reading/Quasi Judicial Hearing (Second and Final Reading to be held October 16, 2002)

- 9.2. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 1-3-00, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO B-3, PLANNED BUSINESS CENTER DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 1-3-00, Zimmerman/Griffin-Orange North, Inc., 14501 Orange Drive)

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This item was denied earlier in the meeting.

- 9.3. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 1-4-00, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO B-3, PLANNED BUSINESS CENTER DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 1-4-00, Seventy-Five East, Inc., 14901 Orange Drive (from A-1 to B-3))

This item was denied earlier in the meeting.

Ordinance - First Reading (Second and Final Reading to be held at a later date)

- 9.4. **TRANSMITTAL APPLICATION** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING, FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS, APPLICATION LA 02-8, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE PLAN MAP DESIGNATION OF CERTAIN LANDS FROM "COMMERCIAL" TO "REGIONAL ACTIVITY CENTER"; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

This item was approved earlier in the meeting.

Quasi Judicial Hearing

- 9.5. **VARIANCE** - V 8-1-02, Hammond, 14681 SW 29 Place (A-1) (to reduce the minimum front setback from 35 feet to 25 feet) *Planning and Zoning Board recommended approval*

This item was approved earlier in the meeting.

Item to be tabled

- 9.6. **STAFF REQUESTING A TABLING TO DECEMBER 18, 2002**
TRANSMITTAL APPLICATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR TRANSMITTAL APPLICATION LA 02-1B AMENDING THE TEXT OF THE TOWN OF DAVIE COMPREHENSIVE PLAN BY AMENDING THE INTERGOVERNMENTAL COORDINATION ELEMENT (ICE) AS REQUIRED BY FLORIDA STATE STATUTE CHAPTER 163.3177; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from August 21, 2002)

This item was tabled later in the meeting.

Resolution

- R-2002-249 9.7. **DAVIE'S LIFESTYLE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA TO DESIGNATE THE TOWN AS A "CONSERVATION COMMUNITY" RECOGNIZING CONSERVATION OF NATURAL RESOURCES IS AN INTEGRAL PART OF THE DAVIE LIFESTYLE.

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This item was approved earlier in the meeting.

Ordinances - First Reading (Second and Final Reading to be held October 16, 2002)

- 9.8. **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ADDING REGULATIONS TO PRESERVE THE RURAL LIFESTYLE CHARACTERISTICS EVIDENT THROUGHOUT THE TOWN OF DAVIE AND RENAMING ARTICLE IX THE RURAL LIFESTYLE REGULATIONS; ADDING SECTION 12-281, ENTITLED "INTENT AND APPLICABILITY" PROVIDING FOR INTENT AND APPLICABILITY IN THE CREATION OF THE RURAL LIFESTYLE REGULATIONS; ADDING SECTION 12-282, ENTITLED "SCENIC CORRIDORS OVERLAY DISTRICT"; PROVIDING FOR THE CREATION OF SCENIC CORRIDORS WITHIN THE TOWN OF DAVIE ALONG MAJOR RURAL CORRIDORS; ADDING SECTION 12-283, ENTITLED "DEVELOPMENT STANDARDS"; PROVIDING FOR ALLOWABLE DEVELOPMENT WITHIN A SCENIC CORRIDOR; ADDING SECTION 12-284, ENTITLED "FENCES, MAILBOXES, BUS STOPS, AND ENTRANCEWAY FEATURES; PROVIDING FOR DEVELOPMENT STANDARDS FOR ALLOWABLE STRUCTURES WITHIN A SCENIC CORRIDOR; ADDING SECTION 12-285, ENTITLED "LANDSCAPING"; PROVIDING FOR LANDSCAPE STANDARDS WITHIN SCENIC CORRIDORS; ADDING DIVISION 3, ENTITLED "RURAL LIFESTYLE DEVELOPMENT REGULATIONS"; PROVIDING FOR DESIGN REGULATIONS FOR ALL PROPERTY AFFECTED BY THE RURAL LIFESTYLE INITIATIVE; ADDING SECTION 12-286, ENTITLED "INTENT, APPLICABILITY, AND BOUNDARIES"; PROVIDING FOR INTENT, APPLICABILITY, AND BOUNDARIES FOR THE PROPERTIES AFFECTED BY THE RURAL LIFESTYLE REGULATIONS; ADDING SECTION 12-287, ENTITLED "DEVELOPMENT STANDARDS"; PROVIDING FOR DEVELOPMENT STANDARDS IN LANDS GOVERNED BY THE RURAL LIFESTYLE REGULATIONS PERTAINING TO LOT SIZE AND SETBACKS; ADDING SECTION 12-288, ENTITLED "INCENTIVES"; PROVIDING FOR INCENTIVES FOR DEVELOPMENTS THAT PROVIDE OPEN SPACE, ACRE LOTS, AND FLORIDA VERNACULAR ARCHITECTURE; ADDING SECTION 12-289, ENTITLED "PURPOSE"; PROVIDING FOR STREET ACCESS AND CIRCULATION; ADDING SECTION 12-290, ENTITLED "ARCHITECTURAL DESIGN STANDARDS"; PROVIDING FOR REQUIRED DESIGN FEATURES, STREET ORIENTATION, AND PROJECTIONS; ADDING SECTION 12-291, ENTITLED "ANTI-MONOTONY"; PROVIDING FOR HOUSE PLACEMENTS TO ENSURE VISUAL VARIATION; ADDING SECTION 12-292, ENTITLED "STREET STANDARDS"; PROVIDING FOR REGULATIONS ON PUBLIC AND PRIVATE STREETS AND COMMON DRIVEWAYS; ADDING SECTION 12-293, ENTITLED "PLAT REQUIREMENTS AND PUBLIC DEDICATIONS"; PROVIDING FOR PUBLIC DEDICATION OF ROAD RIGHTS-OF-WAY AT TIME OF PLATTING" ADDING SECTION 12-294,

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ENTITLED "SITE LANDSCAPING"; PROVIDING FOR LANDSCAPE REQUIREMENTS FOR LANDS GOVERNED BY THE RURAL LIFESTYLE REGULATIONS; ADDING SECTION 12-295, ENTITLED "OPEN SPACE RELATIONSHIPS"; PROVIDING FOR THE DESIGN OF PROPERTIES ADJACENT TO OPEN SPACE; ADDING SECTION 12-296, ENTITLED "STORMWATER RETENTION"; PROVIDING FOR DESIGN OF STORMWATER RETENTION AREAS; ADDING SECTION 12-297, ENTITLED "LIGHTING"; PROVIDING FOR THE DESIGN OF SITE LIGHTING FOR LANDS GOVERNED BY THE RURAL LIFESTYLE REGULATIONS; AND AMENDING THE FOLLOWING SECTIONS OF THE LAND DEVELOPMENT CODE FOR THE CLEAR IMPLEMENTATION OF THE RURAL LIFESTYLE REGULATIONS; AMENDING SECTION 12-24, ENTITLED "STATEMENT OF PURPOSE AND INTENT OF ZONING DISTRICTS"; PROVIDING FOR FURTHER CLARIFICATION OF THE INTENT OF THE AG, A-1, AND R-1 ZONING DISTRICTS; AMENDING SECTION 12-33, ENTITLED "GENERAL REGULATIONS"; PROVIDING FOR FENCES, WALLS AND HEDGES, PORCHES AND FLAG LOTS IN THE AG, A-1 AND R-1 ZONING DISTRICTS; AMENDING SECTION 12-53 AND TABLE 12-53 ENTITLED "RESIDENTIAL PERFORMANCE STANDARDS" PROVIDING FOR DEVELOPMENT STANDARDS FOR THE AG, A-1, AND R-1 ZONING DISTRICTS TO PROVIDE FOR THE MAINTENANCE OF THE RURAL CHARACTERISTICS IN THE TOWN; AMENDING TABLE 12-54, ENTITLED "NON-RESIDENTIAL PERFORMANCE STANDARDS"; PROVIDING FOR NON-RESIDENTIAL DEVELOPMENT STANDARDS FOR THE AG, A-1, AND R-1 ZONING DISTRICTS, TO PROVIDE FOR THE MAINTENANCE OF THE RURAL CHARACTERISTICS IN THE TOWN; AMENDING TABLE 12-81A, ENTITLED "CONVENTIONAL SINGLE-FAMILY DEVELOPMENT STANDARDS"; PROVIDING FOR REVISED DEVELOPMENT STANDARDS FOR THE AG, A-1, AND R-1 ZONING DISTRICTS, INCREASING THE MINIMUM LOT SIZE OF LANDS ZONED AG TO 43, 560 SQUARE FEET TO PROVIDE FOR THE MAINTENANCE OF THE RURAL CHARACTERISTICS IN THE TOWN, PROVIDING INCENTIVES FOR DEVELOPMENTS ON 43, 560 SQUARE FEET LOTS, INCENTIVES FOR ADDITIONAL OPEN SPACE AND INCENTIVES FOR FLORIDA TRADITIONAL VERNACULAR ARCHITECTURE; AMENDING SECTION 12-107, ENTITLED "LANDSCAPING STANDARDS TO LOTS AND SITES"; PROVIDING FOR LANDSCAPE STANDARDS TO MAINTAIN THE RURAL CHARACTERISTICS THROUGH THE USE OF NATIVE PLANT MATERIAL AND MORE NATURAL LANDSCAPE DESIGN REQUIREMENTS, PROHIBITING THE USE OF GUARD-GATES OR OTHER DEVICES WHICH RESTRICT ACCESS AND REVISING WALL REQUIREMENTS IN THE ONE ACRE PARCELS; AMENDING SECTION 12-114, ENTITLED "DEFINITIONS"; PROVIDING FOR ADDITIONAL LANDSCAPE DEFINITIONS; AMENDING SECTION 12-238, ENTITLED "GENERAL REGULATIONS"; PROVIDING FOR

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SIGNAGE WITHIN A SCENIC CORRIDOR; AMENDING SECTION 12-243, ENTITLED "DETAILED SIGN REGULATIONS" PROVIDING FOR MINIMUM SIGN STANDARDS WITHIN A SCENIC CORRIDOR; AMENDING SECTION 12-261, ENTITLED "STREET LIGHTING"; PROVIDING FOR STREET LIGHTING IN SCENIC CORRIDORS AND IN AREAS DESIGNATED AS WITHIN THE RURAL LIFESTYLE REGULATIONS; AMENDING SECTION 12-264, ENTITLED "PLATS"; REQUIRING ROAD RIGHTS-OF-WAY TOP BE DEDICATED AT TIME OF PLATTING; AMENDING SECTION 12-331, ENTITLED "ACCESS TO DEVELOPMENT; PROHIBITING PRIVATE STREETS IN LANDS GOVERNED BY THE RURAL LIFESTYLE REGULATIONS; AMENDING SECTION 12-332, ENTITLED "ARRANGEMENT OF STREETS"; RESTRICTING CUL-DE-SACS IN LANDS GOVERNED BY THE RURAL LIFESTYLE REGULATIONS AND PROVIDING FOR STREET TYPES IN KEEPING WITH THE RURAL LIFESTYLE DEVELOPMENT REGULATIONS; AMENDING SECTION 12-336, ENTITLED "BLOCKS"; PROVIDING FOR REGULATIONS FOR THE AG, A-1, AND R-1 ZONING DISTRICTS; AMENDING SECTION 12-338, ENTITLED "DESIGN CRITERIA FOR LOCAL STREET BY DEVELOPMENT TYPE"; PROVIDING FOR REGULATIONS TO LIMIT CUL-DE-SACS IN THE AG, A-1, AND R-1 ZONING DISTRICTS; AMENDING SECTION 12-338, TABLE II, ENTITLED "LOW DENSITY RESIDENTIAL"; PROVIDING FOR ROAD STANDARDS APPLICABLE TO THE AG, A-1, AND R-1 ZONING DISTRICTS; AMENDING SECTION 12-503, ENTITLED "DEFINITIONS": PROVIDING FOR DEFINITIONS FOR WORDS UTILIZED IN THE RURAL LIFESTYLE REGULATIONS; CREATING REGULATIONS TO IMPLEMENT THE TOWN'S RURAL LIFESTYLE REGULATIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY, PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

This item was approved earlier in the meeting.

- 9.9. **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ADDING REGULATIONS TO PRESERVE OPEN SPACE IN THE ONE-UNIT PER ACRE LAND USE CATEGORIES BY CREATING THE OPEN SPACE DESIGN OVERLAY PROCESS; RENAMING ARTICLE IX THE RURAL LIFESTYLE REGULATIONS; ADDING DIVISION 5, ENTITLED "OPEN SPACE DESIGN OVERLAY"; PROVIDING FOR REGULATIONS TO PRESERVE THE RURAL LIFESTYLE CHARACTERISTICS OF THE TOWN OF DAVIE; ADDING SECTION 12-290, ENTITLED "INTENT, APPLICABILITY, DEFINITION, AND BOUNDARIES"; PROVIDING FOR INTENT, APPLICABILITY, DEFINITION, AND BOUNDARIES FOR THE OPEN SPACE DESIGN OVERLAY; ADDING SECTION 12-291, ENTITLED "OPEN SPACE OVERLAY PROCESS: PROVIDING FOR THE OPEN SPACE OVERLAY PROCESS; ADDING SECTION 12-292,

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ENTITLED "CRITERIA"; PROVIDING REGULATIONS BY WHICH TO REVIEW AN OPEN SPACE DESIGN APPLICATION; ADDING SECTION 12-293, ENTITLED "INCENTIVES"; PROVIDING FOR INCENTIVES WHEN UTILIZING THE OPEN SPACE DESIGN OVERLAY PROCESS; ADDING SECTION 12-294, ENTITLED "OPEN SPACE STANDARDS; PROVIDING FOR DEVELOPMENT STANDARDS; ADDING SECTION 12-295, ENTITLED "ACCESS AND ROADS"; PROVIDING FOR GUIDELINES IN THE DESIGN OF ACCESS POINTS AND ROADS IN AN OPEN SPACE DESIGN DEVELOPMENT; ADDING SECTION 12-296, ENTITLED "LANDSCAPE REQUIREMENTS"; PROVIDING FOR LANDSCAPE STANDARDS IN OPEN SPACE DESIGN DEVELOPMENTS; ADDING SECTION 12-297, ENTITLED "FENCING AND WALLS"; PROVIDING FOR REGULATIONS ON FENCING AND WALLS TO PRESERVE OPEN SPACE IN OPEN SPACE DESIGN DEVELOPMENTS; ADDING SECTION 12-298, ENTITLED "OPEN SPACE MAINTENANCE AND OWNERSHIP"; PROVIDING FOR REQUIRED MANAGEMENT PLANS FOR OPEN SPACE, DOCUMENTS FOR THE OWNERSHIP OF THE OPEN SPACE AND PROVISIONS FOR THE DEDICATION OF OPEN SPACE TO THE TOWN; PROVIDING FOR REVISED DEVELOPMENT STANDARDS FOR THE AG, A-1, AND R-1 ZONING DISTRICTS TO PROVIDE FOR THE MAINTENANCE OF THE RURAL CHARACTERISTICS IN THE TOWN; AMENDING SECTION 12-72, ENTITLED "OPEN SPACE USES, LIMITATIONS"; PROVIDING FOR LANGUAGE TO ALLOW THE OPEN SPACE DESIGN PROCESS TO SUPERCEDE; AMENDING SECTION 12-307, ENTITLED "REVIEW FOR REZONINGS"; PROVIDING FOR THE REVIEW OF OPEN SPACE DESIGN OVERLAY UTILIZING THE FINDING OF FACT FOR REZONINGS; AMENDING SECTION 12-306, ENTITLED "PROCESSING"; PROVIDING FOR OPEN SPACE DESIGN TO FOLLOW THE PROCESSING REQUIREMENTS OF A REZONING APPLICATION; AMENDING SECTION 12-372, ENTITLED "SITE PLAN SUBMISSION REQUIREMENTS"; PROVIDING FOR REQUIREMENTS FOR AN OPEN SPACE DESIGN DEVELOPMENT PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY, PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

This item was approved earlier in the meeting.

Discussion

9.10. Comprehensive Plan Amendment

9.11. Davie Land Trust

These items were deferred.

10. APPOINTMENTS

10.1. Parks and Recreation Advisory Board Agency (one exclusive appointment - Councilmember Truex; term expires April 2004) (members should have a concern

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with or an interest in the park facilities and recreational needs of the citizens of the Town)
Councilmember Truex deferred his appointment.

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- 10.2. Child Safety Board (one exclusive appointment - Councilmember Starkey; term expires April 2004) (whenever possible, members shall have interest and expertise in law enforcement, elementary school instruction, child psychology, pediatric medicine, parenthood and grandparenthood)

Councilmember Starkey deferred her appointment.

11. OLD BUSINESS

There was no old business discussed.

12. NEW BUSINESS

- 12.1. Metropolitan Planning Organization Update - Councilmember Paul

Earlier in the meeting, Councilmember Paul explained that new reapportionment was going to be voted on at the next Metropolitan Planning Organization meeting. She stated that there was controversy over whether the one extra seat should go to the City of Weston or the City of Margate. The committee felt the seat should be based on population; however, there were population figures for both cities that gave conflicting numbers. Councilmember Paul felt the seat should go to Weston because of its location in relation to major roadways. Council had no opinion and left the decision up to Councilmember Paul.

- 12.2. Reschedule January 1, 2003 Town Council Meeting to January 2, 2003

Earlier in the meeting, Councilmember Truex made a motion, seconded by Councilmember Paul, to change the January 1, 2003 meeting to January 2, 2003. In a voice vote, with Councilmember Starkey dissenting, all voted in favor. (Motion carried 4-1)

13. ADJOURNMENT

There being no further business to discuss, and no objections, the meeting was adjourned at 2:55 a.m.

Approved _____

Mayor/Councilmember

Town Clerk